1:Wilson E-5 (1934-1938)195! FN17 Ngonde FN17
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and some informants suggested that it only occurred between the villages of different chiefs, though others insisted that it did occur between villages of the same chiefdom. Indeed any seduction of a woman of another village was liable to lead to war. A man of Bulindanajo seduced the wife of the headman of Bujege, Mwansambe. The men of Bulindanajo returned the woman to her husband, saying to their fellow: 'The men of Bujege are fearsome (*basisya*), it's a village of fathers, she's your mother' (cf. Document p. 181). But Mwansambe was angry and made war. The men of Bulindanajo protested, saying: 'We brought the woman back!' but he took no notice and attacked them. He was defeated, and fled.

A thief or an obstinate debtor was also a danger to his neighbours. For a victim or creditor living in another chiefdom, and so unable to obtain satisfaction in a chief's court—since a chief paid little attention to a complainant who was not his own man—might seize the wife of any village-mate of the man who had his property. Hence, the old men say, thieves and adulterers were liable to be banished from a village[1] just like witches and sorcerers, for they too brought misfortune on their fellows.

War between villages was apparently the usual upshot of an attack on the village neighbour of an enemy, but occasionally a settlement was arranged between the two villages concerned, and the adulterer or thief was held responsible for compensating his injured neighbour, or the latter's kinsmen. Kalunda and Mwalubunju explained: 'In the old days if a man ran off with my wife I should go and kill a village-mate of his. That meant, "Go, you villagers and look for my wife." Yes, this happened even in a village of my own chief. Then the villagers would go and look for my wife and when they found her with their neighbour they would bring her back to me with a spear or hoe as compensation. The man they would accuse, saying: "It was you who killed your fellow", so that he would have to make peace with the family of the dead man, not I. He would give them a daughter of his own to wife, or else pay ten cows, and they would be relatives then. Yes, ten cows they paid for a man's death, though only two for a woman in marriage.' Here the differing responsibilities of kinsmen and fellow villagers are evident.

The village was a fighting unit taking up quarrels on its own

[1] A cattle thief caught in the act was speared. . . . MacKenzie, op. cit., p. 86.

1:Wilson E-5 (1934-1938) 1951 FN17 Ngonde FN17
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## 33. SETTLEMENT OF DISPUTES IN CHRISTIAN VILLAGES

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### *a. Christian suing a Christian*

*Mundekesye (appointed by the Church to settle disputes in villages on Itete mission land).*

'Nsangalofu (a Christian elder) accused Jonah's son, Lwimkio, of making love to the wife of Nsangalofu's son, Nkisu. I (Mundekesye) was trying the case between Nkisu and Lwimiko. Lwimiko denied everything, but Nkisu's wife said: "Yes, he was making love to me; he did so on three occasions." I gave judgement, saying: "You Lwimiko, are guilty, because the woman admits it," and ordered Lwimiko to pay a cow. Lwimiko refused, so I took the case to the Court. I reported my decision and Lwimiko's refusal to pay. The Court asked Lwimiko why he refused to pay up when the woman admitted their guilt, and ordered him to pay a cow.

'I reported the case to Mwangomo (the chief in whose country Mundekesye lives), but as it was quite clear I took it direct to Court. Difficult cases I take to Mwangomo before they go on to Court.

'Nsangalofu and Nkisu brought the case to me. I called the elders of the Church to be present at the hearing of the case. The congregation notified Mwakapelela (the European missionary who lives on another station) and he ordered that Lwimiko should move off mission land. Lwimiko and Nkisu had both built in Mpanda (a boys' village on mission land).'

### *b. Arbitration between Christians*

*Asagene (Christian deacon in Itete).*

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'Mogege accused Amanise of stealing a cloth belonging to him, and brought Amanise before his fellows. He brought him to Rheuben, near whom he lives.

'Amanise denied the accusation, so the case was taken to Mundekesye (*vide supra*). Mundekesye tried the case with "all the congregation" (i.e. elders and deacons and anyone who cared to attend the court) and found Amanise guilty. The case was then taken before the missionary who ordered that Amanise should be fined 5s. and suspended from membership of the Church. He also ordered that should he refuse to pay he should move off mission land, because this was the

1: Wilson E-5 (1934-1938) 1951 FN17 Ngonde FN17
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second occasion on which he had been found guilty of theft. (The elders of the congregation had suggested turning Amanise off mission land immediately, but the missionary advised giving him a second chance and fining him.)'

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1:Wilson E-5 (1934-1938) 1951 FN17 Ngonde FN17
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## 35. JOINT RESPONSIBILITY OF NEIGHBOURS

*Mwaikambo* (*clerk*).

628 624 621 837 'In former times people did not live at peace as we do now. Because they fought frequently they never were friendly with those of other villages as they are to-day. The occasion for beginning a fight was usually a dispute over women or cattle. If a man had made love to a woman of another village he got a friend to steal her for him. Then if the "owners" of the woman saw them they told their chief that men of such and such a village had run off with "their wife". Their chief allowed all his people to go to recapture "their wife". Also those who had stolen the woman told their chief that they had a case against them, they had stolen someone's wife. Then the chief replied that they should tell everyone to be ready.'

*Mwamgwanda* (*old pagan man*).

628 621 672 685 'In the old days if one man A, had "eaten" the cow of another, B, living in a different chiefdom, and failed to repay it, though B came frequently to claim his cow, and if the wife of a village neighbour of A visited in B's country, B might seize her and take her to his chief, saying: "This woman is the wife of C, a neighbour of A, who has 'eaten' my cow." Then the chief sent to the chief of A's country, saying that they had caught the wife of C and they wanted the cow due from A. Then A would send the cow and B would send back the wife of C with a bull to say: "Thank you, you have settled my case." Then the husband, C, might demand a hoe as well. If A denied his debt when the message came, and asserted that B's friends had seized the woman without cause, his chief would send him to B's chief, saying: "My man denies the charge. Let them drink *umwafi*." Then A and B would take the ordeal in B's country.'

3: Mackenzie M-5 (ca. 1925) 1925
FN17 Ngonde FN17



674 789 them to cook for them. One brave man, thus occupied, suddenly thrust a blazing brand into the face of one of his spoilers, whereupon he and his confederates bolted.

• 685 The native law of reprisal is the same as the old American law of horse stealing—death on the spot if caught. The chief did not interfere in such cases. On the contrary, he was indignant if criminals of this kind were brought to him. He refused to look at them, and reminded the captors that it was their duty to kill them where they were caught: let them be taken off and dealt with according to the law without further parley. Hanging on a tree was the commonest mode of disposing of captured thieves.

But the Konde loves his cattle, and not all the fear of the thieves and their medicines will hinder some individuals from doing all in their power to recover their property. An old man came some time ago to ask the loan of forty shillings. He explained that he had been robbed, and that his plan was to go through the country offering to buy a cow, in the hope that the thieves, not recognizing him, would offer him his own animal. It is pleasing to relate that the old man's plan was completely successful. *Per contra*, thieves sometimes bring intelligence, of a kind, to bear upon their profession, and cases are known where they have actually charged the real owner with having stolen their cattle, and had them awarded to them.

674 In strong contrast to the Nyakyusa of the north, the people of Karonga, though they steal from each other, do not steal from Europeans. During five years

3: Mackenzie M-5 (ca. 1925) 1925
FN17 Ngonde FN17



684 greeting, and passed on, without constraint of any kind. It turned out that the man was only slightly wounded; but most husbands in such circumstances "mak' siccar."

684 If the guilty paramour escapes, he goes to another chief, who receives and protects him, unless his co-
622 sinner is the wife of a chief, in which case the man is sent back to meet whatever punishment awaits him. The woman, as I have already said, is liable to the extreme penalty also, but I know of no case in which it has been inflicted, and I think it is of very rare occurrence. An alternative punishment was to have her ears cut off. There is a woman living in the neighbourhood who, along with her paramour, suffered this penalty lately, but the chief by whose orders it was done was heavily fined by the administrative officer. Other punishments are still in use, which will not bear the light of print. A wife found guilty is divorced [586] without further question, and the cattle returned to the husband. Divorce is often sought for very trivial reasons, but native courts will not seriously consider ill-supported claims.

685 *Arson.*—There is a general rule that accidental burning of another man's goods must be compensated for, by replacing all that is lost, whether that be a mere shilling's worth, or a house and all its contents. Arson proper, however, is a much more serious crime, and in the past involved the enslavement of the criminal and all his family. Not a few cases of arson are among the crimes that are common to-day. The church at Karonga was burned down in 1921, probably as an act of revenge against a Christian; but a common

3: Mackenzie M-5 (ca. 1925) 1925
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explanation among the heathen is that it was the work of an ex-Christian who had died the previous day, and took the earliest opportunity, in his new state, of being revenged on those who had expelled him from the Church. In any case the act cost the Christian community at Karonga a large sum of money. Burning a house is a method frequently resorted to of "getting one's own back" from one's enemy, and detection is extremely difficult.

*The Land Laws.*—All the land belongs to the chief, who divides it among his various headmen, and they in turn give it out to their immediate followers. Newcomers are admitted and given lands by the headmen, but the grant must be confirmed by the chief, without whose consent no arrangement is final. This ownership by the chief is not mere theory, but, on the other hand, the individual has practically permanent rights in his property. He cannot be turned out at the mere caprice of anyone, and he hands on his lands to his heirs. Absence, even for many years, does not affect ownership, provided that wife or friends cultivate the land in the meantime.

The law of trespass was very severe in the past, and would remain so if the natives had their way. Trespass, however, does not mean merely walking over another man's ground; in that sense there is no trespass. It means annexation with the hoe; and if, in the fight which followed discovery, the trespasser was killed, a charge of murder did not lie against the owner; but if the owner was killed, the trespasser was indicted for murder. If the case was remitted to the

3: Mackenzie M-5 (ca. 1925) 1925
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685 chief, a cow was paid in compensation, for the man
682 could not be put to death in cold blood.

A thief caught in a garden stealing growing crops
685 is stripped of his *manyeta* (body rings) if he has them : otherwise whatever he has is taken. This law is still nominally in force, but the culprit often prefers to take his trial at the hands of the administrative officer. And the owner has no choice, for if he takes possession by force of what native law considers his rights, he is likely to find himself accused of an illegal act.

8:Wilson E-5 (1934-1936)1936 FN17 Ngonde FN17
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837 her and then returns to her first husband the cows he had given for her with two in addition as adultery fine. But this return is usually made only after the first husband has brought a lawsuit against him.

837 Adultery is extremely common now-a-days; when a man runs off
684 with, or is discovered seducing, a married woman and has not enough
177 cows to marry her, he is legally compelled to pay two cows for the adultery to her husband. In pre-European days an adulterer, if caught, was usually punished by the husband and his neighbours with death or extreme torture, and the old men tell me that adultery was then a rarer event.

584 The extent to which a girl is usually allowed to choose whom she
177 will marry is difficult to guage, and varies in different circumstances. Opportunities of meeting and flirting with young men at dances and ceremonies are frequent; and the older men say that, owing to the abolition by the Europeans of the old severe punishments for adultery, girls
[582] are freer now than they used to be, for their lovers no longer fear to run off with them if they are married or bespoken (which is in Nyakyusa law very much the same thing). The custom of betrothing infant girls is, they declare, less common than it used to be; they are now more chary of pledging their daughters "for when they grow up they just run off with someone else." A girl's choice is, however, limited by the necessity of finding a lover who has cows, and few young men have enough to secure her if she is already married, though they may have enough to pay an adultery fine.

[428] Owing, in part, to the laws of inheritance, by which a commoner's[a]
593 full-brother inherits before his son, it is the older men who control the cattle. Every bachelor is largely or wholly dependent on his own father (or his dead father's heir) for the cows for his first marriage, and he must hoe his father's fields for many years before he is given enough to secure a wife and to set up a family of his own. Economic reciprocity is an element in most human relationships, and it enters into the Nyakyusa relationship of father and son. It is well understood, in this society, that
593 after a certain length of time spent hoeing his father's fields a young man
● 685 is entitled to some cows, if his father has any; and if his father delays too long the young man either stops hoeing for his father or else he takes legal action and enforces his claim. Between father and son such law cases are rare, but they are frequent between a young man and the brother of his father who has inherited his father's wives, property, and position in the family.

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[a] The laws of inheritance for a chief are, in certain respects, different; vide infra, "The Chiefdom."
3 A [Cat. 116 pp. 278 ff. --Analyst]

9: Wilson E-5 (1934-1955) 1959
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If a man has quarrelled with a kinsman, or is conscious of having bitter enemies, or hears that someone with whom he has had a dispute has 'gone to the doctors', he is likely to go to a horn doctor for protective medicine, even though he is perfectly well.

'The horn' is believed to discover and punish the guilty whether they are known to the injured or not, but if someone uses it without just cause the medicine will recoil on himself. The seven cases of using the horn reported to us[1] were all used in revenge: two for theft, two for seduction, and three for withholding cattle due. And it is revenge that was emphasized in one account of the treatment:

> If someone has stolen my cow I go to a doctor and pay him a bull. Then he prepares the medicine (the horn) and stands facing it, with a spear over his shoulder, pointing towards it, and he speaks aloud saying: 'So-and-so, if you have not taken the cow you will recover, if you have eaten it you will die.' Then the breath (*imbepo*) goes to the man named and if he has really stolen the cow he dies. . . .

But another informant, listing the contents of a 'horn', stressed the protective element. It contains 'the bile of a crocodile, the skin of a python, and *inyifwila* medicine (*vide* p. 58) which has been used to kill men' . . .

> If a witch comes to throttle and kill you then the bile of the crocodile throttles and strikes him [the witch], and the *inyifwila* does the same, it is to kill the witches, it spears those who come to throttle you. The skin of the python means that if people come to throttle you they find you have changed yourself into a python.

Another type of vengeance magic, *ilyepa*, is thought to work only between blood relatives.

> If your father-in-law is angry it is your children he kills, not yourself. If the diviner says the disease comes from the woman's side of the family the protective medicine is given only to her, not to the man; if from his side only he is protected, not the wife. The relative who is angry drinks a medicine; he puts a barbed spear into the fire and when it is red hot he slashes a banana sucker with it and speaks the name, then the kinsman who is mentioned dies.

A third type is that used to secure property (*ukuringa*) and snare thieves or adulterers; for the exclusive rights of a husband over his wife are treated as property rights. Often a medicated stick is placed in a field to ward off thieves, and some husbands

[1] cf. Monica Wilson, *Good Company*, pp. 210-56.

9: Wilson E-5 (1934-1955) 1959
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his cave and who, though a creator, is equalled by other heroes and dwells in the bowels of the earth, there was Kyala an ultimate power and first cause, unique and omnipotent, who dwelt in heaven 'above'. The implications of *kumwanya* (above) have changed along with the implications of *Kyala*.

The new balance between the different elements in pagan thought was reflected in everyday speech. In the 1930's men spoke constantly of the shades (*abayuka*), the witches (*abalosi*), and 'the breath of men' (*imbepo ya bandu*); Kyala did not figure much in the conversation of pagans. But in 1955, from the moment when the bus I arrived in skidded off the road and the passengers began assuring each other that *Kyala alimo* (God is present), because no one had been injured, I heard the name constantly. Such a change is hard to prove, but the impression of a marked shift in emphasis was strong.

The conception of the hero Mbasi has also radically altered. During the years before 1914 a man, with two boys in attendance, posed as Mbasi and went round Selya by night, growling in a gruff voice that he was Mbasi, and seizing cattle and fowls and food. He was eventually taken by night, by some Christians, and died after seven months' imprisonment in Tukuyu. Today the Christians never use 'Mbasi' for God, but sometimes identify him with 'Satan', and the pagans use 'Lwembe' rather than 'Mbasi'.

The range of relationships in space was narrow in the traditional Nyakyusa society, and the range of relationship in time was correspondingly so. Only a limited number of chiefdoms co-operated in sacrifice to a hero (and often they seem to have acted separately, rather than in concert), and all historical time was contained in the genealogies depicted. There was a dawn when men ate food raw and lived without fire, or cattle, or chiefs, but history began when the heroes descended from the mountains, ten or twelve generations ago. Time was telescoped when all the known world lay within 100 miles.

A social revolution occurred once, with the coming of the chiefs, but then time stood still, and ever since the heroic age has remained the pattern of right behaviour. Departure from the rituals laid down spells madness and death, for 'Kyala created us so'. Part of primeval reality is the conflict of generations expressed in the myth of the seduction of a young wife by her husband's father, in the rules of avoidance, and in the ritual of the 'coming out'. There is no convention of fighting on this last occasion (as

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cook. I want to leave him.' She said to her husband: 'I want to leave you; I should like to be married to another man. I am not old; I shall not fail to get a husband.' The case went to the Church Session. The husband was called. He said: 'I am astonished. This woman is just making trouble. I have not harmed her. But she is a thief. She steals my mother's things.' She said: '*He* is mean. He watches me when I am cooking—either ordinary food or meat. He is a wicked man so I am leaving him.' The Session said: 'Go home and think first.' She came again and said: 'I will leave him.' They said: 'Go and think again.' They sent her home three times. After the third time she came, saying: 'I will leave him.' Then the missionary said: 'We do not find any cause for divorcing your husband. It is astonishing that you, a Christian, wish to go to another man. We find many faults on your side and none on your husband's side. I tell you that the trouble which made you quarrel with your husband will always stay in you. Wherever you go it will follow you.' So she has now become a wanderer, just going about from place to place. People say that this is due to the words of the missionary.

This story shows very clearly how a missionary's insight into a woman's character was interpreted as an external cause of her subsequent misfortunes. The idea that character is a direct cause of misfortune is foreign to the pagan community, and has not been assimilated by many Christians.

On one occasion two Christian teachers and a Christian clerk, who had related several stories in which loss of a job was attributed to a curse, asked our opinion of them. When we explained that we thought that the people mentioned had lost their jobs because they were unsatisfactory servants or teachers our friends expressed surprise. 'I had not thought of that,' said the clerk.[1]

Most of the Nyakyusa Christians we talked to believed in a curse exercised by those in authority in the Church: only a few among the better educated of the leaders scouted the idea. And there were lively arguments about the morality of cursing. Many held it was perfectly justified. Others argued that a Christian should only rebuke his fellow 'openly, to his face', and not curse him but leave the punishment of sinners to God; but, as has just been shown, an open rebuke is often interpreted as a curse.

Often a judgement is thought to be delayed. One young man who committed adultery in particularly offensive circumstances was eaten, seven years later, by a crocodile, and the two facts

[1] Quoted with amendments from 'An African Christian Morality', *Africa*, x (1937), pp. 273-4.

9: Wilson E-5 (1934-1955) 1959
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for the local investment of savings are the most important economic undertaking in the District. The seven coffee co-operatives handled a crop of 950 tons in 1955, worth about £427,500, and are organized so efficiently as to be able to return over 90 per cent of the price of the coffee on Moshi market to the producer, after the heavy transport costs (14 per cent) have been paid. One Government-paid officer assists these societies.

In the educational and recreational field also, associations are emerging: football clubs; companies of Scouts and Guides; 'Welfare Centres' with classes in reading for adult illiterates, indoor games, and Saturday-night dances; Women's Clubs for handwork and recreation; and in Tukuyu itself an inter-racial club with its own premises, whose members meet to play games, and get to know one another and discuss common problems. These associations make a visible mark on the face of the country in the shape of new brick Churches, co-operative stores, football fields, and, more rarely, a village club-house.

The change from a subsistence to a money economy, and from a system of government through chiefs and village headmen who were dependent primarily on inherited wealth, which secured to them the labour of many able-bodied wives and sons, to a system of government through European officials, chiefs, and clerks paid out of taxes, and assisted by unpaid village headmen, implies the collection and administration of taxes. The District Council has the responsibility for the budgeting and expenditure of over £60,000 per annum. The greater part of it is spent on the salaries of chiefs, secretaries, and clerks engaged in administration, on courts, on schools, dispensaries, and roads. The development of associations with paid officers also implies the collection of dues and budgeting. As in so many countries the difficulty of building up a tradition of honesty in administration is great. Tax clerks, court clerks, council secretaries, and co-operative society secretaries, and even church elders handle sums of money relatively large in proportion to their earnings and one of the tasks of European officials and missionaries is to secure a sound system of accounting and check corruption. In the traditional society stock theft was a capital offence, but money has not the sanctity of cattle, and often the clerk who has appropriated public funds is treated by others as 'unfortunate' rather than immoral. At the same time villagers show great anxiety lest a man entrusted with some common fund should spend it for himself. The risk of theft

9: Wilson E-5 (1934-1955) 1959
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of public funds is greater than in England, but it should be added that a European may camp in a Nyakyusa village with nothing locked, and never lose so much as a box of matches. [685]

An attempt has been made to describe the sort of changes which are proceeding in BuNyakyusa. They are not peculiar to that area, but will be familiar to most people who have lived in Africa. Now we turn to the sociological analysis.

N 233 cattle in the district in the 1941 census was about 2.3 head per taxpayer or 55 head per N square mile. Certain land is set aside each [184 year for grazing, where stock is not able to ●635] interfere with the produce plots. Compensation for trespass of cattle on cultivated land is only paid among people of the lake shore.

N 656 Parts of the land to the west of Tukuyu 134 have been badly eroded by cultivation and 185 over-grazing, and it is only since 1935 that 242 anti-erosion rules have been made to check the tendency for bad cultivation. Since they were brought in, however, the majority of the tribe have become very keen on seeing the effect that well-controlled cultivation has on crops. The following are the Native Authority Rules concerning anti-erosion:—

"Throughout the Rungwa District, all natives shall follow orders regarding cultivation designed to prevent soil erosion as demonstrated and enjoined by the Agricultural Officer.

(*a*) All ridges and terraces shall be contoured and not follow the slope of the hill.

(*b*) In the case of cultivation done on the flat and not on ridges or terraces, a large ridge and ditch shall be dug at the top of the plot to remain permanently and be repaired from N time to time."

439 The Wanyakyusa have never been dependN 439 ant on outside sources for any of their food, [135] but in their own territory there is no iron for making hoes nor clay for making earthenware pots. The former they were accustomed to get from Ukinga, on the eastern boundary of the district in the Livingstone mountains, and the pots were, and are still, made only by about 500 members of the Wakisi tribe living in a K village on the lake shore at the extreme south439 western point of the district. The Wakisi are 101 really of Ukinga origin and inhabit the eastern, northern and western shores of Lake Nyasa. They grow no food except cassava, and that only recently, and apart from the one village that makes the pots, their only work is as paddlers of canoes and fishermen. Most of their fish and pots are exchanged for food.

N 443 Since the Tukuyu District is so thickly populated and the inhabitants concentrated, it has been found necessary to create produce markets at comparatively short distances. N Transport from these markets, during war438 time, has become difficult. The natural outlet 316 for Tukuyu native foodstuffs is the Lupa Goldfields, which lie about 100 miles to the

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